

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-20076

VIRGIL SENIOR,

Defendant.

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**OPINION AND ORDER GRANTING MOTIONS TO AMEND AND DENYING MOTION  
TO CORRECT CLERICAL ERROR**

Virgil Senior was convicted of a drug offense and now moves for a correction of his sentence to have it credit him for time he spent in federal prison prior to his conviction. (Dkt. #522.) Subsequently, he filed two motions to amend his motion to correct the sentence. (Dkts. #523, 532.) To give Defendant every opportunity to make his case, the court will grant the motions to amend. However, even after considering the amendments, Defendant's arguments are identical to those raised in a previous motion he titled "Clarification of Sentence" (Dkt. #386), which this court characterized as a petition for habeas corpus under 28 U.S.C. § 2241 (Dkt. #411). The court then opened a separate civil habeas case, No. 10-11794, to resolve the question that Defendant presented then and presents here once more. This court there determined that the petition had no merit:

The time that Petitioner spent in custody before the court imposed his federal sentence was credited and served toward his previous state sentence.

. . .

Here, Petitioner received credit toward his state sentence for the time served before the court imposed his federal sentence. Accordingly, the BOP committed no error by refusing to credit him with the time served toward his state sentence.

Petitioner also asks this court to credit him with time served after the court imposed his sentence. The court determined that his state and federal sentences should run concurrently, so Petitioner is correct that he should be credited with time served toward his federal sentence beginning on July 24, 2008. The record establishes the BOP is doing just that: "Your federal sentence has been computed as commencing on July 24, 2008." The BOP has therefore committed no error.

*Senior v. U.S.*, No. 10-11794, 2010 WL 1849267, at \*2 (E.D. Mich. May 6, 2010).

The same reasoning applies here, and Defendant has not identified any grounds to find fault in the court's holding. Thus, the court will deny Defendant's motion.

IT IS ORDERED that Defendant's Motions to Amend (Dkts. #523, 532) are GRANTED.

IT IS FURTHER ORDERED that Defendant's Motion to Correct Clerical Error (Dkt. #522) is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 4, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 4, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
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